

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

\_\_\_\_\_  
MICHAEL DANIEL MITCHELL,

Plaintiff,

Case No. 1:04cv135

v.

Hon. Gordon J. Quist

PAUL RENICO,

Defendants.  
\_\_\_\_\_ /

**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on November 13, 2006. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed November 13, 2006, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that the Petitioner's habeas petition is **DENIED**. Rule 8, Rules Governing § 2254 Cases in the United States District Courts.

/s/Gordon J. Quist  
Hon. Gordon J. Quist  
U.S. District Judge

Dated: November 28, 2006